

REMARKS

Claims 40-52 are pending in the above application. By the above amendment, claims 1, 3-16 and 34-39 have been cancelled.

The Office Action dated October 21, 2005, has been received and carefully reviewed, and the issues raised therein were discussed with the examiner during a personal interview on January 10, 2006. A statement of the substance of the interview is provided below.

STATEMENT OF SUBSTANCE OF INTERVIEW

A personal interview was held on January 10, 2006, between Examiner Cesar Paula and Applicant's representative, Scott Wakeman. No exhibits were shown. Differences between the invention required by the pending claims and the disclosure of Judson were discussed. The examiner seemed to agree that the invention was different from Judson, and possible language that would avoid reading on Judson was discussed.

RESPONSE TO OFFICE ACTION

The claims addressed by the October 21, 2005, Office Action were cancelled by the above amendment rendering the rejections of those claims moot. The following remarks point out some of the differences between the newly added claims and the references of record.

New claim 40 requires a method of presenting advertising information that includes, among other steps, a step of storing 1) an application 2) data to be acted upon by the application, and 3) advertising data in computer readable form. An advertisement is displayed based on the advertising data, the application is run on the data to be acted upon by the application, and the application is terminated. While terminated, additional data to be acted on by the application is received as is additional advertising data. It is not believed that Judson shows at least this feature, namely receiving additional data to be acted upon by an application and additional advertising data while the application is terminated.

Claims 41-46 depend from claim 40 and are submitted to be allowable for the same reasons as claim 40. Claim 43 further distinguishes over Judson by requiring a step of storing an execution result of running the application and receiving additional information to be acted upon

by the application based on the stored execution result. This additional step is not shown or suggested by the art of record.

Claim 47 requires an information processing apparatus that includes an information storing medium storing an application, data to be acted upon by the application, and advertising data. Claim 47 also requires a processor for running the application using the data to be acted upon by the application and for displaying an advertisement based on the advertising data. Claim 47 also requires an information receiving unit for receiving, when the processor is not running the application, additional data to be acted upon by the application and additional advertising data. As discussed in connection with claim 1 above, it is believed that Judson does not show or suggest an information processing apparatus that receives additional data to be acted upon by a processor, and additional advertising data, when the processor is not running the application. Claim 47 and its dependent claims 48-51 are submitted to be allowable over the art of record for at least this reason.

Dependent claim 49 is submitted to further distinguish over Judson for the reasons provided above in connection with claim 43.

Claim 52 requires a method of presenting advertising information that includes steps of storing an application, data to be acted upon by the application and advertising data in computer readable form and displaying an advertisement based on the advertising data. In addition, claim 52 requires running the application using the data to be acted upon by the application, receiving and saving additional data to be operated upon by the application and additional advertising data, and receiving a request to run the application using the additional data to be operated upon by the application. Claim 52 also requires that, in response to the request to run the application using the additional data to be operated upon by the application and before running the application, a step of displaying an advertisement based on the additional advertising data is performed. It is believed that at least this last step is not shown or suggested by Judson.

CONCLUSION

Examination and allowance of claims 40-52 is earnestly solicited.

Application No. 10/003,069
Amendment dated February 17, 2006
Reply to Office Action of October 21, 2005

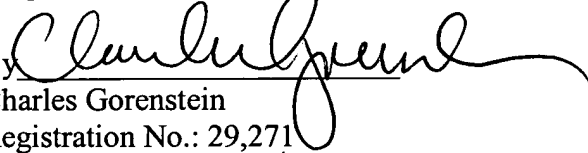
Docket No.: 0033-0778P

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Dated: February 17, 2006

Respectfully submitted,

By 

Charles Gorenstein

Registration No.: 29,271

Scott T. Wakeman 

Registration No.: 37,750

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorneys for Applicant